



General Assembly

January Session, 2001

Raised Bill No. 6588

LCO No. 3191

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING JUDGES AND MAGISTRATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 46b-231 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (f) The Family Support Magistrate Division shall include [nine]
4 thirteen family support magistrates who shall be appointed by the
5 Governor to serve in that capacity for a term of three years. A family
6 support magistrate may be reappointed upon completion of his term
7 of office by the Governor. To be eligible for appointment, a family
8 support magistrate must have engaged in the practice of law for five
9 years prior to his appointment and shall be experienced in the field of
10 family law. He shall devote full time to his duties as a family support
11 magistrate and shall not engage in the private practice of law. A family
12 support magistrate may be removed from office by the Governor for
13 cause.

14 Sec. 2. Section 51-47b of the general statutes is repealed and the
15 following is substituted in lieu thereof:

16 (a) Each senior judge who has been designated and assigned by the
17 Chief Justice or the Chief Court Administrator to perform judicial
18 duties as a senior judge pursuant to the provisions of this section,
19 sections 51-50, 51-50c to 51-50e, inclusive, 51-50i to 51-50k, inclusive,
20 51-165, 51-198, 52-434a and 52-434b shall receive during the period he
21 shall perform the judicial duties, in addition to his retirement salary,
22 the compensation provided by law for a state referee for each day he
23 so performs either judicial duties or duties as a referee or both.

24 (b) In no event shall the total of a retired judge's compensation,
25 defined as retirement salary plus fees payable by the state for services
26 as a senior judge or state referee for services rendered in any fiscal
27 year, exceed the amount [equal to the highest salary on which his
28 retirement salary is based during the fiscal year] of the annual salary
29 payable pursuant to subsection (a) of section 51-47, as such salary may
30 change from time to time.

31 Sec. 3. Section 51-197c of the general statutes is repealed and the
32 following is substituted in lieu thereof:

33 (a) The Appellate Court shall consist of nine judges, except as
34 provided in subsection (b) of this section, who shall also be judges of
35 the Superior Court, and who shall be appointed by the General
36 Assembly, upon nomination of the Governor for a term of eight years.
37 The judges shall sit in panels of three, or en banc, pursuant to rules
38 adopted by the Appellate Court. The Chief Justice shall designate one
39 of these judges as chief judge of the Appellate Court.

40 (b) If a judge of the Appellate Court (1) is appointed the Chief Court
41 Administrator, or (2) at the time of the effective date of this section, is
42 serving as the Chief Court Administrator, the Appellate Court shall
43 consist of ten judges for the remainder of said judge's current term on
44 the Appellate Court, or until his or her retirement from full-time active
45 service, whichever occurs first. The tenth judge shall also be a judge of
46 the Superior Court and shall be appointed by the General Assembly
47 upon nomination of the Governor for a term of eight years.

48 [(b)] (c) With the approval of the Chief Justice, the Chief Judge shall
49 (1) schedule such sessions as may be necessary, at such locations as the
50 facilitation of court business requires, (2) designate as many panels as
51 may be necessary, each consisting of three judges assigned by him, and
52 (3) designate a presiding judge for each panel on which he does not sit.

53 [(c)] (d) Every judge of the Superior Court shall, by virtue of his
54 appointment to the Superior Court, be qualified to serve as a judge on
55 the Appellate Court.

56 [(d)] (e) Each of the parties in any case shall have a right to be heard
57 by a full panel. The Chief Judge, with the approval of the Chief Justice,
58 may summon one or more of the judges of the Superior Court to
59 constitute a full panel.

60 [(e)] (f) The judges of the Appellate Court shall be released from
61 sitting on the Superior Court, except that the Chief Justice may assign
62 any such judge to sit on the Superior Court whenever in his judgment
63 the public business may require it.

64 (g) If the Chief Court Administrator is a judge of the Appellate
65 Court, said Chief Court Administrator shall be released from sitting on
66 the Appellate Court, except that the Chief Justice may assign any such
67 judge to sit on the Appellate Court whenever, in the Chief Justice's
68 judgment, the public business may require it.

69 [(f)] (h) Each Chief Judge or judge of the Appellate Court who elects
70 to retain his office but to retire from full-time active service shall
71 continue to be a member of the Appellate Court during the remainder
72 of his term of office and during the term of any reappointment under
73 section 51-50i, until he attains the age of seventy years. He shall be
74 entitled to participate in the meetings of the judges of the Appellate
75 Court and to vote as a member thereof.

76 [(g)] (i) In each appeal to the Appellate Court, the party appealing
77 shall pay a record fee as prescribed in section 52-259, at such time as is

78 fixed by rule of court, which amount shall be taxed in favor of the
79 appellant if judgment is finally rendered in his favor.

80 Sec. 4. Section 51-198 of the general statutes is repealed and the
81 following is substituted in lieu thereof:

82 (a) The Supreme Court shall consist of one Chief Justice and six
83 associate judges, except as provided in subsection (b) of this section,
84 who shall, at the time of their appointment, also be appointed judges
85 of the Superior Court.

86 (b) If an associate judge of the Supreme Court is appointed the Chief
87 Court Administrator, the Supreme Court shall consist of one Chief
88 Justice and seven associate judges for the remainder of said judge's
89 current term as a judge of the Supreme Court, or until his or her
90 retirement from full-time active service, whichever occurs first. The
91 seventh associate judge shall be appointed by the General Assembly,
92 upon nomination of the Governor for a term of eight years.

93 ~~[(b)]~~ (c) In addition thereto, each Chief Justice or associate judge of
94 the Supreme Court who elects to retain his office but to retire from full-
95 time active service shall continue to be a member of the Supreme Court
96 during the remainder of his term of office and during the term of any
97 reappointment under section 51-50i, until he attains the age of seventy
98 years. He shall be entitled to participate in the meetings of the judges
99 of the Supreme Court and to vote as a member thereof.

100 ~~[(c)]~~ (d) A judge of the Supreme Court who has attained the age of
101 seventy years may continue to deliberate and participate in all matters
102 concerning the disposition of any case which the judge heard prior to
103 attaining said age, until such time as the decision in any such case is
104 officially released. The judge may also participate in the deliberation of
105 a motion for reconsideration in such case if such motion is filed within
106 ten days of the official release of such decision.

107 Sec. 5. This act shall take effect from its passage, except that sections

108 1 and 2 shall take effect October 1, 2001.

JUD

Joint Favorable C/R

APP